

REMARKS

The Office Action mailed February 23, 2005 has been reviewed and carefully considered. Claims 12-18 are added. Claims 1-10 are pending, the independent claims remaining 1, 6 and 7. Claim 7 is amended. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 7-9 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,104,792 to Lautenschlager et al. ("Lautenschlager").

Claim 7, as amended, recites, "calculating, by the charging center, the telephone charge using charging information corresponding to the mobile terminal subscriber."

Support for the amendment of claim 7 is found in the specification (e.g., page 7, lines 9-20).

The Lautenschlager reference, by contrast, although disclosing that a service control facility (SCP) determines a tariff data T, "which describes the charge," fails to disclose the above-quoted features of claim 7 of the present invention.

The Lautenschlager "tariff data T" comprises "cost per unit" (col. 9, line 4), which the user's terminal TA' withdraws from an incoming message and stores in memory MEM (col. 8, lines 53-59). Once a call is established, terminal TA' calculates "the . . . charge" (col. 9, lines 3-4) by multiplying the stored cost per unit by "the time

that has expired since the” call was established. This “time that has expired” “is determined by means of a time signal provided by the timer CLOCK” (col. 9, lines 5-7). Accordingly, Lautenschlager utilizes the conventional method of relying upon an internal timer of the mobile terminal (see instant specification, page 3, starting at line 5). In particular, the Lautenschlager “time that has expired” is computed by the mobile terminal, not by a charging center.

Specifically, Lautenschlager fails to disclose or suggest, “calculating, by the charging center, the telephone charge using charging information corresponding to the mobile terminal subscriber.”

For at least the foregoing reasons, the cited reference fails to anticipate the present invention as recited in claim 7. Nor would the above-quoted features of claim 7 have been obvious in view of the cited reference.

Claims 1-5 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,061,556 to Rahman in view of U.S. Patent No. 6,195,543 to Granberg.

Item 5 of the Office Action characterizes the “mobile communication exchange” of the present claim 1 as corresponding to the radio network controller (RNC) 17 of Rahman. Although item 5 of the Office Action does not say specifically, it is presumed that it deems the “charging center” of the present claim 1 to be the charging unit 73 in Rahman.

The calculating element of the present claim 1 reads:

calculating, by the charging center, the telephone charge using the charging information received from the mobile communication exchange and informing the calculated telephone charge to the mobile communication exchange

Rahman neither discloses nor suggests any such informing by the charging center to the mobile communication exchange as set forth in the present claim 1.

Item 5 of the Office Action suggests that said informing of claim 1 of the present invention is “inherently” carried out, and cites as support lines 1-6 of column 4, and lines 23-26 of column 7, of Rahman.

The first passage merely states that the RNC 17 maintains control of the flow of data through the MSC, and that the latter sends the data to the former on a frame-by-frame basis.

This disclosure does not imply, nor even suggest:

calculating, by the charging center, the telephone charge using the charging information received from the mobile communication exchange and informing the calculated telephone charge to the mobile communication exchange

The second passage bears no apparent relevance to the proposition being advanced by the Office Action.

The “Response to Arguments” section of the Office Action offers the following explanation: the RNC 17 may be co-located with the MSC, and the charging unit 73 may be within the MSC, i.e., as shown in FIG. 3, assuming the communication link 81 is short.

The applicant believes this explanation by the Office Action is non-responsive.

Moreover, as item 4 of the Office Action acknowledges, Rahman fails to disclose or suggest the transmitting step of claim 1.

Granberg discloses internally transmitting a telephone charge, but the transmission is within the mobile station, i.e., from the processor 20 that calculates it to the display 30. In particular, the mobile station “calculates” a prospective cost of service for a call based on one or more service parameters previously communicated to the mobile station (col. 5, lines 30-35).

By contrast, the present claim 1 recites, “transmitting, by the mobile communication exchange, the telephone charge information received from the charging center via a base station in communication with the mobile terminal.”

Moreover, the disclosed transmission occurs only during the call (col. 5, line 33: “during the call”), i.e., transmission may continue only until the call terminates (col. 6, lines 11-12: “continues until the call terminates”).

Rahman, by contrast, calculates charges at the conclusion of the call.

This is done merely to account for charges for secondary traffic associated with the call.

Rahman makes no disclosure or suggestion of transmitting these charges to a mobile terminal. Granberg, on the other hand, applies only to transmissions to a mobile terminal during the call, i.e., at a time when Rahman would not yet have calculated charges.

Granberg transmits AoC parameters so that the mobile terminal can calculate charges. Granberg does not suggest that Rahman's charging unit 73 be modified to, after calculating charges, send the calculated charges to a user.

For at least all of the above reasons, the applied references fail to render obvious the invention as recited in claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

As to claim 2, Rahman simply discloses calculating the charge for the primary traffic and, depending upon whether secondary traffic is included in the call, adding in the charge for secondary traffic (Rahman, claims 1 and 2).

Item 4 of the Office Action cites Granberg for time periods used in determining an Advice of Charge (AoC), but is silent as to motivation to incorporate this kind of determining into the Rahman calculation. The present applicant is unable to see any basis for the purported motivation.

For at least this reason, the proposed combination fails to render obvious the present invention as recited in claim 2.

As to claims 3 and 4, the Office Action likewise merely cites to AoC determinations without any hint of motivation to modify Rahman.

As to claim 5, Rahman fails to disclose or suggest a construction in which a total telephone charge or accumulated telephone charge can be separately displayed for a specific time desired by a mobile terminal subscriber, or in which the total telephone charge and accumulated telephone charge are selectively displayed along with a telephone charge for a latest call just after a call is terminated. Rahman further fails to disclose or suggest that the charging center calculates the accumulated charge using the telephone charge and calculates the total charge by adding the calculated charge to a basic charge.

The Granberg reference cannot make up for the shortcomings of Rahman.

Claim 6 stands rejected under 35 U.S.C. 103(a) as unpatentable over Rahman in view of Granberg and U.S. Patent No. 6,516,190 to Linkola.

As to claim 6, as set forth above, the Rahman and Granberg references do not, alone or in combination, meet the limitations of claim 1, whose limitations are incorporated into claim 6. Linkola cannot compensate for the shortcomings of Rahman and Granberg. For at least this reason, the proposed combination of prior art references fails to render obvious the invention as recited in claim 6.

Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as unpatentable over Lautenschlager in view of Granberg.

As set forth above with regard to claim 7, Lautenschlager fails to disclose or suggest calculation of a telephone charge, performed externally to the mobile terminal, based upon an actual call time period of the subscriber.

Similarly, the Granberg mobile station 18 “calculates” the “cost of service and/or accumulated cost . . . based on one or more . . . service parameters communicated to the mobile station” (col. 5, lines 30-35). In particular, the Granberg mobile station (col. 8, line 60), from the service parameters, calculates “cost of the service in monetary units per time unit” (col. 8, lines 60-62). The Granberg mobile station then multiplies this quantity by a time period. Granberg fails to disclose or suggest calculation of a telephone charge, performed externally to the mobile terminal, based upon an actual call time period of the subscriber.

For at least the above reasons, Granberg fail to make up for the shortcomings of Lautenschlager.

Claims 10 and 11 depend from claim 7, and are deemed to distinguish patentably over the applied references for at least the foregoing reasons.

As to the other rejected claims, each depends from a base claim, and is patentable over the applied prior art at least due to its dependency.

Amendment
Serial No. 09/651,771

Docket No. 5000-1-135

New claims 12-17 find support in the specification (e.g., page 4, lines 8-11; page 7, lines 9-20; page 10, line 14 – page 11, line 9).

New claim 18 finds support in the specification (e.g., page 9, line 13 – page 10, line 2).

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Amendment
Serial No. 09/651,771



Docket No. 5000-1-135

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470. If the Examiner has any questions regarding this Application, it is respectfully requested that the Applicants' attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

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